

Appl. No. 10/030,903
Amdt. dated June 15, 2004
Reply to Office action of March 16, 2004

REMARKS

Reconsideration is respectfully requested.

Withdrawal of the finality of the office action is requested as discussed below.

Claims 3-9 and 13-21 are present in the application.

Claims 3-9 and 16 are allowed.

Claim 13 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of Koitabashi et al in view of Kaneko (US 6,033,051) and Hosono, U.S. 6,488,354.

Applicants respectfully traverse.

Hosono is not prior art, because it has a filing date of December 5, 2000, whereas the present application is deemed to be filed in the U.S. as of the international filing date of July 12, 2000. Therefore, Hosono is not prior to applicants' filing date. Claim 13 is allowable because the 6,488,354 document used in the rejection is not prior art because the international filing date of this present application is earlier than the filing date of U.S. 6,488,354. Therefore, the combination does not teach what applicant claims, because all the elements of the claim are not taught or suggested by the combination of Koitabashi and Kaneko (Hosono is not available for combination because it is not prior art). In view of Hosono not being prior art, it is respectfully requested that the finality of the office action be withdrawn.

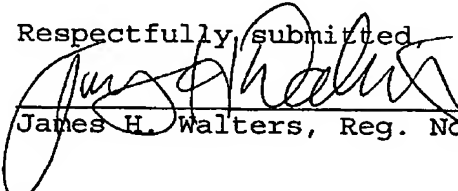
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Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatenable over Koitabashi in view of Ishinaga et al (U.S. 6,199,972). Claim 15 is amended herein to include the limitation of "the ink ejection element is operated at a time of a maximum outwardly extension of the ink liquid face for providing a greater volume of ink ejection for recovery purposes". It is submitted that this addition places claim 15 in condition for allowance, as corresponding subject matter is indicated as being allowable in claim 3. Claim 14 is also allowable as depending from allowable claim 15.

Claims 17-21 are not otherwise rejected and are therefore also assumed to have been allowed, as they depend from claims already indicated as allowed.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


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Page 11 — RESPONSE (U.S. Patent Appl. S.N. 10/030,903)
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